

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
PECOS DIVISION

UNITED STATES OF AMERICA,	)	Case No. 4:20-CR-000388
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
THOMAS SCOTT PERKINS,	)	
	)	
Defendant.	)	Monday, May 23, 2022
_____	)	2:48 P.M.

TRANSCRIPT OF COMPETENCY HEARING  
**BEFORE THE HONORABLE DAVID C. COUNTS**  
**UNITED STATES DISTRICT JUDGE**

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WITNESSESFOR THE GOVERNMENT:

JAMES SCHUTTE, Ph.D.	7	11	23	--
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FOR THE DEFENDANT:

SAMUEL BROWNING, Ph.D.	26	41	50	--
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Alpine, Texas - Monday, May 23, 2022

(2:48 p.m.)

P R O C E E D I N G S

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THE COURT: All right. The Court calls U.S. versus Thomas Scott Perkins, this is PE:20-CR-388, today for a competency hearing.

For the Government?

MR. GREENBAUM: Yes, Your Honor. Scott Greenbaum on behalf of the Government along with Ms. Amy Greenbaum, Your Honor. Also in the courtroom, Your Honor, we do have Dr. Samuel Browning that I was going to ask to be able to sit on, and I anticipate to also call him as a witness, Your Honor. But I wanted to have him sit in and review this expert's testimony, as well, Your Honor.

THE COURT: Thank you.

For the Defense?

MR. GORMAN: And good afternoon, Your Honor. Michael Gorman on behalf of Thomas Perkins, ready to proceed.

THE COURT: Very good.

MR. GORMAN: Pleasure to meet Your Honor.

THE COURT: You, as well, Mr. Gorman. I've heard a lot about you, all good, and nice to meet you finally or at least place eyes on you.

Do you have any objection to Dr. Browning sitting in during any testimony or during the hearing?

1 MR. GORMAN: No, Your Honor.

2 THE COURT: Okay. Very good.

3 And, sir, you are Thomas Scott Perkins, right?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Yes? Okay. Very good.

6 Mr. Gorman, at this point, do you believe your client  
7 to be competent or not?

8 MR. GORMAN: I do not, Your Honor.

9 THE COURT: You do not. All right, very well.

10 All right. So let me pull up what I have received and  
11 tell y'all where I am.

12 And, Mr. Greenbaum, who do we have on the Zoom?

13 MR. GREENBAUM: I have my only witness here --

14 THE COURT: Okay.

15 MR. GREENBAUM: -- as actually in the courtroom.

16 THE COURT: Okay. So, Mr. Gorman, this is your  
17 witness.

18 MR. GORMAN: This is Dr. James Schutte, Your Honor.

19 THE COURT: And I've read Dr. Schutte's report, and  
20 that's what I was just about to say. I pulled it up. I've got a  
21 digital copy of that, which I'll be referring to, which I think  
22 the parties should have, as well.

23 Mr. Greenbaum, do you have that?

24 MR. GREENBAUM: Yes, Your Honor. I do. Thank you.

25 THE COURT: And, Mr. Gorman, you certainly have it?

1 MR. GORMAN: I do, Your Honor.

2 THE COURT: All right. Very well.

3 All right. So let me ask the parties, the attorneys,  
4 how do we want to begin? Who wants to begin with whom?

5 MR. GREENBAUM: Judge, it might make more sense if they  
6 begin with their expert, that way my expert's also I believe  
7 going to give an opinion but that way, I won't have to call him  
8 back for rebuttal, Your Honor.

9 THE COURT: Sure.

10 MR. GREENBAUM: So if there's anything else to add, I  
11 just --

12 THE COURT: You take care of all of it?

13 MR. GREENBAUM: Yes, sir.

14 THE COURT: Is that satisfactory, Mr. Gorman?

15 MR. GORMAN: Yes, Your Honor. The Government does have  
16 the burden in this case in terms of proving competence by a  
17 preponderance, Your Honor. But I believe in this case that Dr.  
18 Schutte has reviewed the reports of Dr. Browning and Dr., I  
19 believe it's Bieber (phonetic).

20 THE COURT: Okay.

21 MR. GORMAN: He's willing to talk directly to that,  
22 Your Honor.

23 THE COURT: Okay.

24 MR. GORMAN: And then, obviously, if need, we can  
25 recall.

1 THE COURT: So you want to call him first or do you  
2 want the Government to call him?

3 MR. GORMAN: I'll call him, Your Honor.

4 THE COURT: Okay. You can call him, and we won't shift  
5 the burden. We realize where the burden is, Mr. Greenbaum, with  
6 the Government. And so with that then, does anybody want to make  
7 any opening statements? It doesn't matter to me. I kind of know  
8 where you all stand, but you're welcome to make a quick, very  
9 quick short opening.

10 Mr. Greenbaum, you're --

11 MR. GREENBAUM: Not from the Government, Your Honor.

12 THE COURT: Okay.

13 Mr. Gorman?

14 MR. GORMAN: Your Honor, I can close with it or --

15 THE COURT: Okay.

16 MR. GORMAN: -- I can lead with it, Your Honor.

17 THE COURT: Just close with it in a minute.

18 MR. GORMAN: It's brief.

19 THE COURT: All right. Go right ahead with your  
20 witness, then.

21 MR. GORMAN: Thank you, Your Honor.

22 And, Your Honor, by the Court's preference, does the  
23 Court prefer me at the podium or here?

24 THE COURT: I prefer you at the podium.

25 MR. GORMAN: No problem, Your Honor.

Schutte - Direct

7

1 THE COURT: Thank you. And thanks for asking.

2 MR. GORMAN: And, Your Honor, do we wish to place him  
3 under oath?

4 THE COURT: Absolutely. So you're calling it's Dr.  
5 James W. Schutte.

6 I'm glad he said your name, sir, because I wasn't  
7 exactly sure. I was guessing Schutte, but I could have been  
8 wrong, of course.

9 If you'll raise your right hand where you stand, we're  
10 going to have Ms. Lerma swear you in.

11 JAMES WILLIAM SCHUTTE, Ph.D, DEFENDANT'S WITNESS, SWORN

12 THE COURT: Thank you, sir. You may lower your hand.

13 Mr. Gorman, you may proceed.

14 MR. GORMAN: Thank you, Your Honor.

15 DIRECT EXAMINATION

16 BY MR. GORMAN:

17 Q Could you state your name for the record?

18 A My name is James William Schutte, S-C-H-U-T-T-E, PhD.

19 Q And could you please describe your background, your  
20 profession, and the nature of your involvement in this case?

21 A Certainly.

22 I'm a licensed psychologist with a private practice here in  
23 El Paso, Texas. I'm also licensed in the State of New Mexico.  
24 In addition, I'm board certified in psychometry, which is  
25 psychological testing by the Board of Certified Psychometrists.

Schutte - Direct

8

1 And I examined the Defendant on September 4th, 2021 in Pecos,  
2 Texas.

3 Q And you did so at the request of myself and the other  
4 counsel of record, Elyse Bataller?

5 A That's correct.

6 Q And, Dr. Schutte, I provided to the Court and to counsel for  
7 the Government a copy of your curriculum vitae. Is that an up-  
8 to-date curriculum vitae for you?

9 A Yes.

10 Q No inaccuracies in that, correct?

11 A No.

12 Q And, Dr. Schutte, prior to getting to your assessment in  
13 this case, in the course of your evaluation in this case, you had  
14 the opportunity to review reports authored by Dr. Samuel Browning  
15 and Dr. Lacey (phonetic) Bieber in this case?

16 A That's correct.

17 Q And those reports were specific to competency assessments  
18 regarding Thomas Perkins?

19 A And also the question of insanity.

20 Q And in regard to the competency assessment specifically in  
21 your case, please give me your assessment of Thomas Perkins?

22 A On the question of competency based on my assessment of him  
23 and my review of the available records, it is my opinion that he  
24 is not competent to proceed to trial.

25 Q And could you give some details in how you arrived at that



Schutte - Direct

9

1 conclusion?

2 A Certainly.

3 The Defendant has amongst other diagnoses a diagnosis of  
4 schizoaffective disorder, bipolar type (audio interference).  
5 With respect to that disorder, he is exhibiting hallucinations  
6 and delusions. And as a result of those hallucinations and  
7 delusions, he does not have an ability at this time to understand  
8 the nature and the consequences of the proceedings which are  
9 against him or to assist properly in his defense.

10 Q And specific to the reports authored by Dr. Browning and Dr.  
11 Bieber, your opinion is in disagreement with them. Is that  
12 correct?

13 A On the question of competency, yes.

14 Q And in that regard, could you please explain why you  
15 disagree with their opinions?

16 A Well, we all agree that he has a diagnosis of autism  
17 spectrum disorder. Where we disagree is on the existence of a  
18 psychotic condition, which I and other professionals in the past  
19 have identified as being in this case schizoaffective disorder.

20 The Defendant is reporting hearing the voices of two angels  
21 which are giving him advice no how to act. He feels that these  
22 angels are going to resolve his legal case for him by either  
23 influencing the mind of His Honor or the prosecution or causing  
24 evidence to disappear.

25 He's also under the understanding that if he were to agree

Schutte - Direct

10

1 to a plea bargain that he would be in essence sentencing himself  
2 or that he would be responsible for his own sentence.

3 As a result of these hallucinations and this delusional  
4 thought process, he feels that he is actually not in legal  
5 jeopardy and that these beings are going to resolve his case for  
6 him. Therefore, because of that irrational belief, he does not  
7 have an ability to understand the consequences and the nature of  
8 these proceedings.

9 Q And in regard to essentially the spiritual component of  
10 that, how does your opinion or your assessment differ from that  
11 of the other doctors in this case?

12 A Well, the other doctors have notes also that he has reported  
13 hallucinations and have unusual thought processes. They,  
14 however, have attributed to simple religious beliefs.

15 And that's something that I certainly explored with the  
16 Defendant, asked him if these beliefs about these angels that he  
17 hears and that he feels will resolve his legal case for him would  
18 be consistent with other members of the church that he was  
19 attending. And he indicated that his beliefs are more extreme  
20 than those of his fellow church members.

21 So these are not simply religious beliefs that would be  
22 congruent with the denomination he attends. These are beliefs  
23 that go far and beyond those of a religious nature and actually  
24 enter into the realm of a psychotic condition, namely  
25 schizoaffective disorder.

Schutte - Cross

11

1       There's nothing in the diagnosis by the other doctors of  
2       autism spectrum disorder which addresses these psychotic  
3       symptoms. There's nothing about delusions or hallucinations  
4       which appears in the DSM-5-TR Diagnostic Manual addressing autism  
5       spectrum disorder.

6       This is a separate condition, and it is because of this  
7       separate condition that I believe that he is not competent to  
8       stand trial at this time.

9       Q     Thank you, Dr. Schutte.

10       THE COURT: Thank you.

11       Mr. Greenbaum, your witness.

12       MR. GREENBAUM: Yes, Your Honor. Thank you.

## CROSS-EXAMINATION

13  
14       BY MR. GREENBAUM:

15       Q     Dr. Schutte, when is the last time that you actually  
16       evaluated Mr. Perkins?

17       A     On September 4th, 2021.

18       Q     Okay. And I think your report -- you did a report back on  
19       September 16th, 2021. Is that your findings from that review  
20       that you did back on September the 4th? Is that correct?

21       A     Yes. That's my report of that evaluation.

22       Q     Okay. So in that eight months' time since you met with Mr.  
23       Perkins, how many times have you followed up and met with him?

24       A     As you asked, the last time I saw him was on September 4th,  
25       2021.

Schutte - Cross

12

1 Q Okay. Was that the only time that you saw Mr. Perkins?

2 A That's correct.

3 Q Okay. And would you agree with me that sometimes people's  
4 mental states can get better over time, sometimes they can get  
5 worse over time? Would that be a --

6 A Correct.

7 Q Would that be a correct statement?

8 A Depending on the nature of the mental condition.

9 Q Yes, sir.

10 And so in this eight months' time since the last time you  
11 met with him on September the 4th, 2021, do you think it was  
12 important to do a follow-up meeting or talk to him again?

13 A No.

14 I'm comfortable with the opinions that I've just rendered to  
15 the Court.

16 Q Okay. And how long did you meet with Mr. Perkins when you  
17 met with him back that one time on September the 4th, 2021?

18 A Two and a half hours.

19 Q So for two and a half hours that gave you time to not only  
20 meet with him, talk to him, but also perform tests. Is that  
21 correct?

22 A That's correct.

23 Q Okay. And, sir, do you have a private practice, as well?

24 A Yes. I am in private practice.

25 Q Yes, sir.

Schutte - Cross

13

1 And so you see other clients or patients, I should say, that  
2 are not accused of criminal activity, maybe just somebody that  
3 needs some help, is that correct, with their mental faculties or  
4 something to that nature?

5 A Yes. I do evaluations for a number of government agencies  
6 --

7 Q Yes, sir.

8 A -- as well as local courts and pediatricians and other local  
9 physicians.

10 Q And so when you talk to children, do you usually typically  
11 say a child that's suffering from schizophrenia, would you be  
12 able to make that analysis that they're suffering from  
13 schizophrenia within two hours or would you need multiple  
14 sessions typically to determine if they have schizophrenia?

15 A There's nothing on the diagnostic criteria about the amount  
16 of time required to make a diagnosis. One should make a  
17 diagnosis when one is comfortable with the information that he or  
18 she has received.

19 Q And typically --

20 A And that is the case here.

21 Q Yes, sir.

22 And typically, when you have say a patient that walks in out  
23 of the street and let's say hypothetically they say that they're  
24 suffering from schizophrenia and not a patient that's accused of  
25 say a criminal activity but just one that you're just seeing or

Schutte - Cross

14

1 treating, how often do you find out within two hours and you're  
2 comfortable that, yes, in fact, they have schizophrenia or do you  
3 usually need more time than that?

4 A Well, I do a number of evaluations for Social Security  
5 Disability System. And those evaluations kind of range from 45  
6 minutes to several hours.

7 Q Okay.

8 A And certainly within that amount of time based on an  
9 interview with the individual, administration of psychological  
10 tests, and a review of any available records, I'm able to reach a  
11 diagnosis.

12 Q Okay. So sometimes it takes more than just two hours to  
13 come up with a diagnosis. Is that correct?

14 A Well, for example, you know, psychological testing we're  
15 testing for memory functions requested and that can take several  
16 hours.

17 Q Yes, sir.

18 A That is not the case for the Defendant.

19 Q Correct.

20 And in regards to your report, how did you get this  
21 information? Was it from the Defendant or how did you get the  
22 information?

23 A I'm sorry. Which information?

24 Q The information of what was conveyed to you about the  
25 angels, did that come from the Defendant himself?

Schutte - Cross

15

1 A Yes. And also from a review of a prior competency  
2 evaluation.

3 Q Yes, sir.

4 And what was that other prior competency evaluation?

5 A That was the one dated May 18th, 2021.

6 Q Okay. And who did that competency evaluation?

7 A It was Dr. Lacey Bieber or Bieber.

8 Q So other than Dr. Bieber's report and the Defendant's self-  
9 diagnosis that he's seeing angels, that's where you got that  
10 information. Correct?

11 A I disagree. The Defendant did not self-diagnose.

12 Q Okay. But he reported that he -- he self-reported that he  
13 was seeing angels. Correct?

14 A Yes, which was consistent with reports that he had given to  
15 personnel at FMC Fort Worth.

16 Q Yes, sir.

17 And you said that his views -- how did you get the -- you  
18 said that the Defendant's views were more extreme than other  
19 church members. Is that correct?

20 A No, that's how he described his views.

21 Q Okay.

22 A It's important when looking at religious views in the  
23 context of mental health to see whether a person's views are  
24 similar to those of say a church or a group to which they belong.

25 Q Yeah, absolutely.

Schutte - Cross

16

1 And what church members are -- did you speak to in addition  
2 to this Defendant to confirm if his views were more extreme than  
3 his views, that being the Defendant's?

4 A That was his description of his views, which is something  
5 that he said very considerably from those of other church  
6 members.

7 Q Yes, sir.

8 But my question is what other church members did you speak  
9 to to find out what the other church members' beliefs are?

10 A I did not examine any other church members.

11 Q Okay. Did you examine his pastor to see if that was in line  
12 to what the pastor would preach or anything like that?

13 A No, I did not examine his pastor.

14 Q Okay. So you really are basing it on, one, a report from  
15 Dr. Bieber or Bieber and then you're basing your analysis on what  
16 this Defendant has told you. Is that correct?

17 A And also extensive psychological testing.

18 Q So other than that, you have nothing to offer that would be  
19 objective that we could look at. Correct?

20 A Well, the psychological testing is certainly objective.

21 Q Would you agree with me that when somebody self-reports  
22 conditions, that's highly problematic?

23 A Certainly in a legal setting, we always want to be cautious  
24 about accepting someone's statements as being factual. That's  
25 one of the reasons why we use psychological testing because, for



Schutte - Cross

17

1 example, psychopathology testing often has built-in validity  
2 scales or objective means of telling us whether someone is being  
3 open and honest when they respond to the test questions.

4 Q Yes, sir.

5 A And all of the psychological testing performed by myself and  
6 also by personnel at FMC Fort Worth, there's been no indication  
7 that the Defendant was malingering or exaggerating any of his  
8 symptoms.

9 Q All right. So it is problematic? You would agree with me  
10 that self-testing can be problematic. Correct?

11 A That self what, I'm sorry?

12 Q Self-reporting, self-reporting to a person to tell about  
13 their symptoms, that could be problematic. Would you agree with  
14 me on that?

15 A That's certainly something we would want to consider in  
16 addition to a records review and psychological testing.

17 Q I guess, sir, and I don't mean to be -- it's just a yes or  
18 no question. Is self-reporting, could that be problematic?

19 A It could be without external information --

20 Q Yes, sir.

21 A -- in a legal setting.

22 Q And it could be highly unreliable at times. Correct?

23 A It could be, which is why you would rely on psychological  
24 testing and other records.

25 Q Yes, sir.

Schutte - Cross

18

1 And other records such as case reports, did you review any  
2 of the case reports in here from Homeland Security  
3 Investigations?

4 A I reviewed an insanity report, two competency reports, and  
5 some medical records.

6 Q Yes, sir.

7 A About 50 pages' worth.

8 Q Yes, sir.

9 And, again, my question is did you review the actual  
10 criminal report in this case?

11 A No, I did not.

12 Q Did you even bother to request the criminal report in this  
13 case?

14 A No. Because for the issue of competency, that was not  
15 needed.

16 Q So what he might have said to say a investigator or an agent  
17 investigating this, that wouldn't be important to you?

18 A For the issue of insanity, certainly, but not for the issue  
19 of competency.

20 Q Sir, how many times have you testified as an expert for the  
21 Government like the U.S. Attorney's Office or the district  
22 attorney's office or a county attorney's office?

23 A Thirty or forty times. I testify on a regular basis for the  
24 El Paso County Attorney.

25 Q Yes, sir.

Schutte - Cross

19

1 And out of 30 or 40 times, how many times that you testified  
2 on behalf of the Government did you find the Defendant competent?

3 A In El Paso County, those cases are Child Protective Services  
4 matters, and these involve modification or termination of  
5 parental rights and access so those were not competency questions  
6 --

7 Q So you've never --

8 A -- for the county attorney.

9 Q Yes, sir.

10 So how many times have you testified in regards to  
11 competency for the Government?

12 A For the Government I have not testified on the issue of  
13 competency.

14 Q Okay. And how long have you testified as an expert? How  
15 many years?

16 A Well, I graduated with my PhD in 1996, so I've been in  
17 practice for well over 20 years.

18 Q So over this 20-year period, you never testified on behalf  
19 of competency for the Government. Is that correct?

20 A No. I've testified on the issue of insanity for the  
21 Government.

22 Q Okay. And how many times when you've testified on the issue  
23 of insanity for the Government did you find the defendant to be  
24 sane, in other words, they could stand trial?

25 A On the testimony on the question of insanity, my opinion was

Schutte - Cross

20

1 the individual was insane and was determined by a state court to  
2 be insane, as well.

3 Q Okay. So was that the only time that you testified on  
4 behalf of the Government as far as insanity?

5 A Yes.

6 Q Okay. And that one time you found that the defendant was  
7 insane. Correct?

8 A That's correct.

9 Q Okay. And how many times in your 20-year-plus career have  
10 you testified for the Defense in regards to competency?

11 A Probably four or five times. It's not a very common issue  
12 that comes up in trial testimony.

13 Q Okay. All right.

14 And during that four or five times that you've testified,  
15 how many times did you find those defendants to be competent?

16 A On those times I found those individuals to not be  
17 competent.

18 Q So every time you found them not to be competent, correct,  
19 the four or five times you testified on behalf of the Defense?

20 A Yes. Otherwise, I would have not been called to testify.

21 Q Okay. And how much are you making for today's fee?

22 A My fee is \$300 per hour.

23 Q Yes, sir. Thank you.

24 And, sir, were you called to testify in regards to I believe  
25 it was a capital murder case regarding Stephanie (phonetic)

Schutte - Cross

21

1 Fernandez? Is that correct?

2 A I believe so.

3 Q And in that case, did the judge rule that you couldn't  
4 testify in regards to the capital murder case of Stephanie  
5 Fernandez. Correct?

6 A In the case in chief, that's correct.

7 Q Yes, sir.

8 And what was your -- what were you going to testify to in  
9 regards to Ms. Stephanie Fernandez? What did you find in that  
10 case?

11 A If I'm remembering correctly the case, there was an issue of  
12 a post-traumatic stress disorder, and the judge felt that that  
13 was a matter of no relevance for sentencing and for guilt and  
14 innocence.

15 Q Yes, sir.

16 A This is in state court.

17 Q And this was back in it looks like March of 2019. Is that  
18 correct?

19 A I don't have the case in front of me, but I'll take your  
20 word for it.

21 Q Yes, sir.

22 A And this was in El Paso in state court. Is that right?  
23 Does that ring a bell?

24 Q Yes.

25 And this person in that case got a life sentence. Is that

1 correct?

2 A Yes. So, therefore, there was no sentence faced.

3 Q Okay. And then let me draw your attention to a more recent  
4 case back in December of 2021. Did you also testify in a murder  
5 case, and I think this made Yahoo! News or at least that's where  
6 I pulled it from, from the Odessa American Times in a Fabian  
7 Polvon. Did you testify in that case, as well?

8 A Yes, I did. Old one.

9 Q Okay. And what was your expert testimony in there?

10 A Testimony was that the defendant was insane at the time of  
11 the alleged offenses.

12 Q Okay. And do you recall that the state witness or the state  
13 expert, I think it's Truble (phonetic), said that the defendant  
14 was one of her I guess or the person that interviewed said that  
15 the defendant was malingering. Do you remember that?

16 A Yes, I do.

17 Q Okay. And you testified here in Mr. Polvon's case that the  
18 defendant was hearing voices in their head. Correct?

19 A No.

20 Q Was hallucinating?

21 A Yes.

22 Q Okay. Thank you for that clarification.

23 And the jury ultimately disagreed with your evaluation and  
24 found this defendant guilty and sentenced him to life without  
25 parole, as well. Correct?

Schutte - Redirect

23

1 A That's correct.

2 Q And, sir, you also again in 2016, did you testify with a  
3 person by the name -- it looks like a state case or a murder case  
4 or a manslaughter case -- by the name of Alberto Antonio  
5 Mendiola?

6 A Mendiola, yes.

7 Q Yes, sir. Mendiola. Thank you for that correction.  
8 You testified in that case as well, correct?

9 And what was your testimony in that case?

10 A That the defendant was insane at the time of the alleged  
11 offense.

12 Q And in this case, the jury disagreed with you again and the  
13 defendant was convicted of manslaughter and got a 20-year  
14 sentence. Is that correct?

15 A That's correct, instead of murder.

16 MR. GREENBAUM: I pass the witness, Your Honor.

17 THE COURT: Redirect, Mr. Gorman?

18 MR. GORMAN: Thank you, Your Honor.

19 THE COURT: Yes, sir.

20 REDIRECT EXAMINATION

21 BY MR. GREENBAUM:

22 Q Dr. Schutte, specific to the questions about competency  
23 assessments performed on behalf of the Government, are you part  
24 of the court's contract system in terms of assignment of cases  
25 for competency review locally?

Schutte - Redirect

24

1 A Yes, I am.

2 Q Are you appointed by the court, the federal court to conduct  
3 competency evaluations?

4 A Yes, I am.

5 Q And in answer, you have not testified or the number of  
6 occasions you testified on behalf of the Government, that you  
7 were court-appointed on multiple times not specific to the  
8 prosecutor, correct, but by the court?

9 A That's correct.

10 Q Thank you.

11 And in regard to this specific case and your evaluation,  
12 were you accompanied by counsel of record Elyse Bataller during  
13 your evaluation --

14 A She was --

15 Q -- of Mr. Perkins?

16 A She was present in my side of the room during the interview  
17 but not during the testing segment. She did not say anything or  
18 intervene in any way in the interview.

19 Q And while you may not have reviewed the actual reports of  
20 investigation in regard to this competency assessment, have you  
21 discussed the nature of the case and charges with Ms. Bataller or  
22 myself?

23 A Yes.

24 Q And did we provide details in regard to the case?

25 A Yes, you did.



1 Q Thank you.

2 MR. GORMAN: No further questions, Your Honor.

3 THE COURT: Thank you.

4 Mr. Greenbaum?

5 MR. GREENBAUM: Nothing further. Thank you, Judge.

6 THE COURT: Thank you very much.

7 Mr. Gorman, do you want Dr. Schutte to be excused or do  
8 you want him to listen and watch the rest of the hearing?

9 MR. GORMAN: I'd like to have him stand by, Your Honor,  
10 just so he can hear.

11 THE COURT: Absolutely.

12 MR. GORMAN: Thank you, Your Honor.

13 THE COURT: Absolutely.

14 Mr. Gorman, did you have anything more you wanted to  
15 present?

16 MR. GORMAN: Not on the Defense side, Your Honor.

17 THE COURT: Mr. Greenbaum?

18 MR. GREENBAUM: Thank you, Your Honor.

19 At this time, the Government would like to call Dr.  
20 Samuel Browning to the stand.

21 THE COURT: Sir, if you would come on up.

22 Yeah, come on up here and right before you sit down,  
23 we'll have her swear you in.

24 THE CLERK: Could you -- can we swear you in before you  
25 --

Browning - Direct

26

1 MR. BROWNING: Sorry.

2 THE COURT: Oh, sorry. Thank you.

3 SAMUEL BROWNING, Ph.D, GOVERNMENT'S WITNESS, SWORN

4 THE CLERK: Thank you.

5 THE COURT: You may have a seat.

6 Mr. Greenbaum, you may proceed whenever you're ready.

7 MR. GREENBAUM: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MR. GREENBAUM:

10 Q Sir, can you tell us your name for the record?

11 A It's Dr. Samuel Browning.

12 Q Yes, sir.

13 And can you spell out your last name for the record?

14 A Sure. It's B-R-O-W-N-I-N-G.

15 Q Yes, sir.

16 And, sir, how are you employed?

17 A I'm a forensic psychologist, and I work for the Federal  
18 Bureau of Prisons at the Federal Medical Center in Fort Worth,  
19 Texas.

20 Q Yes, sir.

21 And how long have you ben working there at the Federal  
22 Medical Center in Fort Worth, Texas?

23 A I was employed as a staff psychologist beginning in November  
24 2013, and then I was promoted to forensic psychologist in January  
25 of 2017.

Browning - Direct

27

1 Q Thank you, sir.

2 And can you tell the Court a little bit about your  
3 education?

4 A Sure.

5 I have a bachelor's degree in psychology. I also have a  
6 Ph.D. in clinical psychology. I have a standard one year  
7 internship experience which was conducted at the -- at the time  
8 Federal Correctional Institute at Fort Worth, Texas that is now  
9 the Federal Medical Center.

10 Q Yes, sir.

11 And have you published any articles in this area?

12 A I published articles in a what would be considered a broad  
13 area of forensic psychology --

14 Q Yes, sir.

15 A -- in police psychology.

16 Q Thank you, sir.

17 And what other articles have you published?

18 A I have published articles relating to hostage negotiation  
19 and crisis communication as well as those related to correctional  
20 officer stress, law enforcement officer stress.

21 Q Yes, sir.

22 And prior to taking this role, did you have another career?

23 A Yes.

24 Before I went to graduate school, I was employed as a police  
25 officer in the State of Georgia.

Browning - Direct

28

1 Q Yes, sir. Thank you.

2 And can you tell us any professional organizations that you  
3 belong to?

4 A I'm a member of the American Psychological Association  
5 including the APLS or the American Psychology Law Society, as  
6 well as the what's Division 18 or Psychologists in Public  
7 Service.

8 Q Yes, sir.

9 And have you testified as expert on -- as an expert before?

10 A Yes, I have.

11 Q Okay. And have you testified as an expert on few or many  
12 occasions?

13 A I've testified as an expert in the federal courts  
14 approximately 12 to 15 times.

15 Q Okay. And can you tell the Court some of the courts that  
16 you have testified in regards to being an expert in this field?

17 A I've been certified as an expert in New Mexico; several of  
18 the jurisdictions or districts in Alabama; Tennessee; Texas,  
19 including the Southern, Eastern, and Northern Districts of Texas;  
20 Southern and North -- or, I'm sorry, Northern District of  
21 Oklahoma; and I believe Western District of Oklahoma.

22 Q Yes, sir.

23 And you actually testified as an expert before Judge Moses  
24 here in the Western District. Is that right?

25 A Yes, I did.

Browning - Direct

29

Q Okay.

And about how many times do you think you testified as an expert in total?

A In total, I would say approximately 12 to 15 times.

Q Yes, sir.

And in regards to doing competency evaluations that are sent to you, how many competency evaluations do you think you've done in your career?

A Approximately 175 to 200 competency evaluations.

Q And this is all in the field of forensic psychology. Is that correct?

A Yes, sir.

Q Clinical forensic psychology?

A Yes, sir.

Q Okay.

MR. GREENBAUM: At this time, Your Honor, the Government moves to move him as an expert in the field of forensic clinical psychology, Your Honor.

THE COURT: Mr. Gorman?

MR. GORMAN: No objection, Your Honor.

THE COURT: The Court so finds that Dr. Browning is an expert in the area of forensic clinical psychology.

MR. GREENBAUM: Thank you, Your Honor.

THE COURT: You may proceed.

MR. GREENBAUM: Thank you.

Browning - Direct

30

1 BY MR. GREENBAUM:

2 Q And in regards to this case, did you have -- did somebody  
3 ask you to evaluate the Defendant not only for competency but  
4 also sanity in regards to Mr. Thomas Scott Perkins?

5 A Yes.

6 Q Okay. And can you tell how did you get that request or that  
7 reference to evaluate Mr. Perkins?

8 A We received a court order in that case requesting us to  
9 complete a competency and a sanity evaluation. Those requests or  
10 those court orders are sent through our Office of Medical  
11 Designations and Transfers.

12 Q Yes, sir.

13 And did that come from the Honorable Judge David Fannin?

14 A Yes, it did.

15 Q And in regards to doing this competency evaluation, did you  
16 yourself have the opportunity to meet with Mr. Perkins?

17 A Yes, I did.

18 Q And how many times did you meet with Mr. Perkins?

19 A I would say I met with him approximately three -- three  
20 times.

21 Q Yes, sir.

22 And how long do you think that you met with Mr. Perkins  
23 total during those three times?

24 A In total, I would say between three and four hours.

25 Q Yes, sir.

Browning - Direct

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1 And then one of your colleagues, Dr. Bever (phonetic), also  
2 meet with Mr. Perkins?

3 A Bieber, yes.

4 Q Bieber. I'm sorry.

5 A That's okay.

6 Q I'll probably mispronounce it a little later, as well. But  
7 Dr. Bieber also met with Mr. Perkins, as well. Is that correct?

8 A She did. She completed an evaluation, as well.

9 Q And were you privy to her reports, as well, her evaluation?

10 A I was. Throughout the process of her evaluation, we consult  
11 regularly.

12 Q Yes, sir.

13 And how many times did Dr. Bieber meet with Mr. Perkins?

14 A I'm not entirely sure. It was at least twice, but I'm not  
15 sure how many total.

16 Q Okay. And the dates that you actually met with Mr. Perkins,  
17 do you remember those dates or have something of reference into  
18 those dates that you met with Mr. Perkins?

19 A I don't have them in front of me. We do keep I guess  
20 internal records of those for our electronic medical record.

21 Q Yes, sir.

22 A But they occurred throughout the evaluation process.

23 Q Yes, sir. Okay.

24 And when you got the opportunity to examine the Defendant,  
25 where did the setting occur at?

Browning - Direct

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1 A It occurred in our jail unit at the Federal Medical Center  
2 in Fort Worth, Texas.

3 Q Okay. And that time that you met with him at the jail unit,  
4 that being Mr. Perkins, were you able to communicate with the  
5 Defendant?

6 A Yes, I was.

7 Q And was he able to respond to your questions?

8 A Yes, he was.

9 Q And if you can tell the Court what were some of his  
10 responses in regards to your questions?

11 A Mr. Perkins responded in a pretty open manner when he was  
12 discussing with me aspects of his history, mental health  
13 symptoms, and competency-related issues. For example, he was  
14 able to respond about the courtroom personnel and their roles in  
15 a very clear and articulable manner.

16 Q Okay. And when you said that he was able to articulate  
17 courtroom personnel and roles, can you give us an example of what  
18 he said in regards to that?

19 A I recall that he advised that the -- the role for the judge  
20 was to listen to the proceedings and to make decisions in court  
21 during prompting. According to The Evaluation Of Competency To  
22 Stand Trial Revised, he was also able to provide additional  
23 information about the role of the judge.

24 Q Okay. And what additional information did he provide in  
25 regards to the role of the judge?



Browning - Direct

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1 A He was able to identify that the judge may make a verdict in  
2 the case depending on the type of trial, as well as would be  
3 responsible for sentencing.

4 Q Okay. So he knew that there was different types of verdict.  
5 Did he know about, say, a jury verdict?

6 A So he received some prompting relating to that, but he was  
7 initially very aware that a jury would be the body that would  
8 render a verdict.

9 Q Okay. So he was aware of that, as well?

10 A Yes.

11 Q Okay. And in regards to the prosecutor, what role did he  
12 say the prosecutor had in this case?

13 A He was able to indicate that the prosecutor was responsible  
14 for bringing charges for seeking a guilty verdict, for seeking  
15 higher punishment.

16 Q Okay. And what role did he say that his defense counsel or  
17 his lawyer had in regards to his responsibilities or as to him,  
18 Mr. Perkins?

19 A He was able to identify, again, through questions that are  
20 standard on the ECST-R that his defense attorney was responsible  
21 for standing up for him in court, for coming up with a defense  
22 strategy, for seeking a not guilty verdict, and for seeking  
23 minimal punishment.

24 Q Yes, sir.

25 And did you actually talk to him about his criminal charges?

Browning - Direct

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1 A I did.

2 Q Okay. And was he able to discuss these criminal charges  
3 with you?

4 A Yes, he was.

5 Q And did he seem to understand the nature of the criminal  
6 charges that were against him?

7 A Yes, he did.

8 Q Okay. And did you also talk to his -- to him about his  
9 attorney?

10 A Yes, I did.

11 Q And at the time, did he know who his attorney was?

12 A He did.

13 Q Okay. And back then, I think it may have been a different  
14 attorney, but did he tell you who that attorney was or did you --

15 A I believe it was a different attorney and, yes, he was able  
16 to tell me who it was.

17 Q Okay. And do you know how he was communicating with is  
18 attorney?

19 A I know that he discussed ways that he might address  
20 disagreements or points of conflict with his attorney through  
21 what he described as through discussion. He preferred to have a  
22 mutual discussion with the attorney in order to come to a  
23 resolution.

24 Q Okay. Did he talk about anything about attorney strategy or  
25 anything of that nature?

Browning - Direct

35

1 A Not specifically.

2 Q Okay. And in regards to courtroom procedures, did the  
3 Defendant discuss or understand courtroom procedures?

4 A Yes.

5 Q Okay. And can you tell the Court how did he understand  
6 courtroom procedures or how did he tell you he understood them?

7 A So some of the standard questions that appear on the ECST-R  
8 revolve around the procedures or the decorum that would typically  
9 be presented in court. And he was able to -- to navigate that.

10 He did show some I guess concern related to court  
11 proceedings that were done by video teleconference that those  
12 were more difficult for him in order to process the information  
13 as efficiently or to be able to ask questions or discuss matters  
14 with his attorney directly.

15 Q Yes, sir.

16 And in preparation for evaluating Mr. Perkins, did you  
17 actually talk with jail personnel?

18 A Yes, I did.

19 Q And can you tell the Court some of the people that you  
20 talked to in regards to Mr. Perkins?

21 A I've spoken with jail unit officers, the correctional  
22 officers that work in there, as well as health services staff and  
23 unit team staff regarding Mr. Perkins all indicated that he had  
24 relatively few if any problems in the jail unit regarding  
25 discipline or difficulty maintaining any of his activities of

Browning - Direct

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1 daily living or reporting where he needed to be at any given  
2 time.

3 Q Yes, sir.

4 And in regards to your evaluation of Mr. Perkins, did you  
5 actually make a report as to competency and sanity?

6 A Yes, I did.

7 Q Okay. And was that the report that was tendered over to, I  
8 believe, Judge Fannin's chambers or to the Court, is that  
9 correct, that report?

10 A Yes, sir.

11 Q Okay.

12 MR. GREENBAUM: At this time for a record, Your Honor,  
13 we'll go ahead and mark that as Government's Exhibit Number 1. I  
14 electronically filed it under seal, Your Honor, so the Government  
15 would offer that.

16 In addition, Your Honor, I know that he's been  
17 qualified as an expert, but the Government would also offer  
18 Government's Exhibit Number 2 which would be the curriculum vitae  
19 of Mr. or Dr. Browning, Your Honor.

20 THE COURT: Mr. Gorman?

21 MR. GORMAN: No objection, Your Honor.

22 THE COURT: Government's Exhibits 1 and 2 are admitted  
23 without objection.

24 (Government's Exhibits 1 and 2 marked for identification and  
25 admitted into evidence)

Browning - Direct

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1 MR. GREENBAUM: Thank you. Thank you, Your Honor.

2 THE COURT: Yes, sir.

3 BY MR. GREENBAUM:

4 Q And, Dr. Browning, are you familiar with the legal  
5 definition of competency to stand trial?

6 A Yes, I'm familiar with it regarding Dusky v. U.S. and then  
7 later codified as 18 U.S.C. 4241.

8 Q Yes, sir.

9 And would you agree to me that a person is legally  
10 incompetent to stand trial only if he does not have the  
11 sufficient ability to consult with his attorney with a reasonable  
12 degree of rational understanding or a rational as well as a  
13 factual understanding of the proceedings against him?

14 A I would agree to that, and I would add to it that it would  
15 also be required for him to have a mental disease or defect that  
16 was causally linked to those deficits.

17 Q Yes, sir.

18 And based on your examination of Defendant, do you have an  
19 opinion as to whether or not the Defendant has sufficient present  
20 ability to consult with his attorney with a rational degree of  
21 rational understanding?

22 A I do.

23 Q And what is that opinion, sir?

24 A I believe he does.

25 Q Okay. And based on your examination of Defendant, do you

Browning - Direct

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1 have an opinion as to whether or not he has a rational as well as  
2 a factual understanding of the proceedings against him?

3 A I do.

4 Q And what is that opinion, sir?

5 A I believe he does.

6 Q Okay. And based on your examination, do you have an opinion  
7 as to whether or not the Defendant is competent to stand trial at  
8 this time?

9 A I believe he would be considered competent.

10 Q So your opinion in this case is that the Defendant would be  
11 competent to stand trial. Is that correct?

12 A Yes, sir.

13 Q And do you see Mr. Thomas Scott Perkins in the courtroom  
14 today?

15 A Yes, I do.

16 Q And if you could, could you point him out and identify an  
17 article of clothing that he's wearing?

18 A Sure.

19 He's sitting here wearing a red jumpsuit and glasses.

20 MR. GREENBAUM: Let the record reflect, Your Honor, or  
21 may the record reflect, I should say, Your Honor, that the  
22 witness has identified Mr. Perkins in this case.

23 THE COURT: The record shall so reflect.

24 BY MR. GREENBAUM:

25 Q And in regards to your evaluation, and I don't know if

Browning - Direct

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1 there's a way to check, but I'm looking from your evaluation  
2 report that was done, it says October 22nd -- I'm sorry, October  
3 26th through December the 10th, 2021. Would that have been the  
4 time that you evaluated this Defendant?

5 A Yes, it would.

6 Q Okay.

7 THE COURT: Can you say that again? October 26th?

8 MR. GREENBAUM: October 26th through December the 10th,  
9 2021 is --

10 THE COURT: Thank you.

11 THE WITNESS: Yes, sir.

12 BY MR. GREENBAUM:

13 Q And prior to that evaluation, Dr. Bever [sic] also evaluated  
14 this Defendant, as well. Is that correct?

15 A She did.

16 Q Okay. And just so the record's clear, you made your report  
17 back on March the 2nd, 2022. Is that right?

18 A Yes, that's right.

19 Q Now as part of preparation for this case, I actually sent  
20 you the report by Dr. Schutte -- hopefully I didn't mispronounce  
21 that -- Schutte.

22 UNIDENTIFIED SPEAKER: Schutte.

23 BY MR. GREENBAUM:

24 Q Schutte. I stand corrected. Dr. Schutte.

25 Were you able to review his report?

Browning - Direct

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1 A I was.

2 Q And can you tell the Court a little bit of things that were  
3 I guess out of the ordinary to you or a little bit different that  
4 you saw in regards to his report that kind of stuck out to you?

5 A I'd say in terms of things that stuck out, that was  
6 primarily the difference of opinion previously noted in his  
7 testimony.

8 A lot of that surrounded the opinion or the interpretation  
9 of Mr. Perkins' report on his religious beliefs an angels and  
10 things of that nature.

11 Q Yes, sir.

12 And how did that stick out as different to you or what did  
13 you think that may have been a little bit off or fallible?

14 A I'm not -- I'm not sure if it was off or fallible. I think  
15 it's pretty easy to interpret what Mr. Perkins says or how he  
16 describes those as delusions or -- and/or hallucinations.

17 And I think that that is because due to his autism spectrum  
18 disorder, he speaks in a very rigid and very concrete manner. So  
19 things that we might describe more abstractly and more loosely,  
20 he describes in a very more rigid and very discreet terms.

21 So I think that difference is notable. I also think that,  
22 you know, there was a difference in terms of, excuse me, the  
23 degree to which Mr. Perkins emphasized his religious beliefs  
24 during the evaluation with myself.

25 Q Yes, sir.



Browning - Cross

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1 And what else did -- if you saw anything else that was a  
2 little bit different than what you evaluated Mr. Perkins as from  
3 Dr. Schutte's report?

4 A Aside from the -- the primary difference in terms of the  
5 diagnosis and then the ultimate conclusion, so because of  
6 reviewing his report of religious beliefs and experiences in the  
7 light of both his autism spectrum disorder as well as his  
8 upbringing in a Christian household and one that was described at  
9 least per Dr. Bieber's report and per Mr. Perkins' and his  
10 discussions as being quite religious in nature and focusing a lot  
11 on prayer and religion and, you know, waving hands or laying  
12 hands on individuals to assist with healing and that type of I  
13 guess practice.

14 In that light, it was not -- it wasn't surprising to me that  
15 he would describe religion both zealously and concretely.

16 Q Yes, sir.

17 MR. GREENBAUM: I pass the witness, Your Honor. Thank  
18 you.

19 THE COURT: Thank you.

20 And Mr. Gorman, your witness?

21 MR. GORMAN: Thank you, Your Honor.

22 THE COURT: Yes, sir.

23 CROSS-EXAMINATION

24 BY MR. GORMAN:

25 Q And good afternoon, Dr. Browning.

Browning - Cross

42

1 A Good afternoon.

2 Q Now in the course of preparing your report in this case, Dr.  
3 Browning, you reviewed the report of Dr. Bieber. Correct?

4 A Yes, sir.

5 Q Did you happen to -- did you have occasion to speak with  
6 her?

7 A I did.

8 Q So in her report, she had written that he started to develop  
9 his own spiritual beliefs separate from his parents and branched  
10 out to learn new division of Christianity. He did not provide  
11 details about a specific belief but said that the church he  
12 attended taught him all the people possessed their own spiritual  
13 gifts.

14 This sound more or less like the way she writes?

15 A Yes.

16 Q Now in conducting your evaluation, Dr. Schutte's reference  
17 to schizoaffective or schizophrenia wasn't the first occasion you  
18 heard that. Is that correct?

19 A That's correct.

20 Q When other -- who other -- what other individuals have  
21 mentioned that condition?

22 A Dr. Bieber referenced an assessment by I believe it was Dr.  
23 Pepermintwala when the Defendant was younger as well as his more  
24 recent hospitalization through Oceans Behavioral Health, both of  
25 which diagnosed him with a psychotic illness. I believe both

1 diagnosed him with schizophrenia.

2 Q And so it's your opinion that these prior evaluations were  
3 incorrect?

4 A Yes.

5 Q And in terms of what Dr. Bieber wrote in her report, she had  
6 indicated that he experienced voices that he described as  
7 spiritual thoughts not psychiatric voices. From your occasions  
8 with him, was a consistent them with him?

9 A Yes.

10 Again, he didn't emphasize his religious beliefs as much  
11 during the evaluation that I conducted. But when we did have  
12 occasion to discuss that and review it, then, yes, it was  
13 consistent with what he described as spiritual beliefs. And I  
14 believe he also stated to Dr. Bieber that they were non-  
15 psychiatric or non-psychological in nature.

16 Q In terms of your contact with Thomas Perkins, how did he  
17 describe the distinctions between essentially what you would be  
18 -- what you would characterize as a hallucination or delusion and  
19 these spiritual voices? How did you distinguish between the two?

20 A So I distinguished between the two by reviewing the context  
21 in which he was presenting this information.

22 So, for example, Mr. Perkins frequently spends a lot of time  
23 online. And we know that those with autism spectrum disorder as  
24 one of the primary symptoms have restrictive repetitive  
25 interests, and so one of those interests for Mr. Perkins is

1 computers.

2 Another one appears to be sort of a religious beliefs or  
3 kind of Christian beliefs that may not conform to the general or  
4 the broader Christian faith.

5 So in looking at that, I wanted to take into the context,  
6 one, that he may have an excessive preoccupation in terms of his  
7 interest in religion and also computers but also that in being on  
8 his computer and being involved in online activity, he very well  
9 might have engaged with others who have similar belief systems  
10 within the online community.

11 Additionally, I made that determination by looking at the  
12 manner in which he was describing the beliefs and what we kind of  
13 tend to know about I guess different topics in which he was  
14 discussing.

15 So, for example, he discussed the two angels which were  
16 mentioned previously. He discussed those in a manner that  
17 represented comfort to him, that represented hope, that  
18 represented these more abstract themes that he has a very  
19 difficult time articulating.

20 So he was noted as having a very low ability for verbal  
21 fluency and verbal understanding of information. He gets  
22 overwhelmed quite easily by verbal stimuli. And with autism  
23 spectrum disorder, his social engagement and his discussions with  
24 others are somewhat hampered by that. This is why we tend to see  
25 those individuals speak in a more concrete and a more rigid kind

1 of way.

2 So taking those things into consideration, when he describes  
3 having two angels and when he describes these types of  
4 experiences, I look at that in the broader context of how he  
5 would describe those types of things that might be commonplace.  
6 How would somebody describe faith and their religion if they were  
7 speaking in a very concrete manner because of autism spectrum  
8 disorder?

9 Q And in terms of I guess perceptions, when one looks at that  
10 scenario, if there's actually a tangible manifestation of that  
11 demon-angel in front of us, would you characterize that as a  
12 hallucination or a delusion if there is a tangible object in the  
13 room with you that isn't there?

14 A That depends on the context. Some individuals and some  
15 religions, it's not uncommon to experience seeing quite literal  
16 manifestations of their religion. That wouldn't be outside of --  
17 of the -- the norm for some of those religious groups.

18 Q And did you discuss with anyone else his specific religious  
19 beliefs?

20 A No.

21 Q No. Did you contact the church?

22 A No.

23 Q So you're not certain of what the framework, his actual  
24 religious beliefs are. Correct?

25 A Only from his discussion of them.

Browning - Cross

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1 Q If we look at -- if this object religious in nature is  
2 directing us to do things not -- well, for example, in this case,  
3 if the angel comes in and says the judge doesn't know what he's  
4 talking about or he'll be told to carry out himself this way or  
5 that the lawyer, it doesn't matter what the lawyer does, this is  
6 the outcome, is that delusional?

7 A It depends on the -- I mean so if we're talking about this  
8 very specific case, it would be hard for me to say because Mr.  
9 Perkins didn't make those statements to me. If you're asking it  
10 hypothetically if he made those statements to me, then that would  
11 definitely be something that I would need to explore further with  
12 him.

13 Q And you did say you reviewed Dr. Schutte's report?

14 A I have reviewed it since my evaluation, yes.

15 Q That's right. There's an excerpt, and I just want to read  
16 it that's more in the background side that it's short, but it may  
17 --

18 A Sure.

19 Q This is just one -- this is paragraph on Page 3.

20 "Defendant indicates that he hears voices but feels  
21 that they are spiritual voices. He indicated that he  
22 always says he does not experience auditory or visual  
23 hallucinations because he does not feel they are  
24 psychological or psychiatric.

25 "He indicated that he has two angels, as does everyone

Browning - Cross

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1 else, and added that he hears these on a continuous  
2 basis. However, he indicated that he was grateful that  
3 these angels were not talking while speaking with the  
4 underside. He indicated that these angels are going to  
5 cause him to" -- I'm sorry -- "he indicated that these  
6 angels are going to cause him to suddenly be released  
7 by influencing the judge or prosecutor or by causing  
8 evidence to suddenly disappear.

9 "He indicated that these angels try to convince him  
10 that he is schizophrenic and also give him signs of  
11 things. He indicated that he has particular sensitive  
12 to the numbers nine and five as these correspond with  
13 dates of trials and hearings, the fact that his Social  
14 Security disability benefits were cut off after nine  
15 months of being incarcerated, and the fact that he was  
16 once transferred from a room of five people.

17 "He indicated that if these angels provided him with  
18 legal advice, he would rely on it more than the advice  
19 of his attorneys. He also commented that these angels  
20 have provided him with other information and have  
21 informed him that he can refuse the COVID-19 vaccine.

22 "He also reported that he occasionally feels the  
23 presence of a sexual demon and that a female demon has  
24 been harassing him for ten years and has sex with him  
25 on a regular basis."

Browning - Cross

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1 This paragraph here and these facts as described --

2 A Uh-huh.

3 Q -- does that suggest sort of inspiration or does that  
4 suggest a more tangible object in the room that might be  
5 qualified as a delusion?

6 A With no further context, I would say that it sounds probably  
7 like a delusion or a hallucination.

8 Q And in regard to -- and stepping away from the evaluation,  
9 Dr. Browning, your contact that you described with him, you said  
10 three to four hours, was that total time?

11 A Yes. That was total time.

12 Q And in terms of that, how long did it take you to conduct  
13 the analysis, the diagnostic tools or did you not personally  
14 perform those?

15 A Psychological testing?

16 Q Yes.

17 A The MMPI-3 takes approximately 60 to 90 minutes. And if I'm  
18 remembering right, Mr. Perkins completed it in between 60 and 75  
19 minutes.

20 So that was the only I think objective test other than the  
21 ECST-R that I gave. And the ECST-R is a semi-structured  
22 interview. It's a second-generation adjudicative competency  
23 measure, and so that one we did sort of face-to-face in an  
24 interview format. So the rest of the time was spent  
25 interviewing.



Browning - Cross

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1 Q And in your assessment of his autism spectrum disorder, you  
2 said he lies on the lower level of that?

3 A He appears to, again, in terms of a very extensive  
4 neurodevelopmental assessment or inventory. We -- I -- so I did  
5 not conduct a lot of testing related to that. He had been  
6 diagnosed since childhood with autism spectrum disorder, and that  
7 was pretty well covered in Dr. Bieber's report previously.

8 So in an effort not to re-test test measures or that were  
9 assessing similar functions, I didn't engage in a whole lot of  
10 additional testing. So based on his records and based on his  
11 behavior, his -- that we were able to observe, his level of  
12 functioning as described by him as Dr. Bieber was able to glean  
13 from his parents and as we saw in the jail unit, I would say  
14 that, yes, it's likely a mild autism spectrum disorder.

15 Q But you didn't run like a unique test like ADOS or one of  
16 those series of tests that might be typical of an autism  
17 assessment?

18 A No, sir.

19 Q And in terms of his stay with you, do you remember if you  
20 recall how long Thomas Perkins was with you at Fort Worth?

21 A He was with us from October 26th through December 10th.

22 Q And that's Fort Worth, Texas. Correct?

23 A Yes, sir.

24 Q And that's where you're located. Correct? That's where  
25 you're officed?

Browning - Redirect

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1 A Yes, sir.

2 Q And in terms of -- last question. In terms of his test-  
3 taking, you indicated that he was not malingering, he didn't seem  
4 to evade or misstate the truth?

5 A No. That was not -- I didn't notice any indication that he  
6 was trying to malingering or fane.

7 Q And that is typical of autism, correct? A sense of I guess  
8 a lack of deceit, essentially, in the ASD cases. Correct?

9 A Often, yeah. I very often see that in the autism cases.

10 Q And -- I'm sorry, one last question. In terms of your  
11 distinction between the hallucinations in the religious sense, in  
12 many cases, the two reports, the report of Dr. Schutte and yours,  
13 turn on essentially the impressions with regard to this religious  
14 connection. Would that be accurate to say?

15 A I'm sorry. I don't fully understand.

16 Q Oh, in terms of the competing opinions in this case, it  
17 seems that they turn on the distinctions between how one observes  
18 these -- the involvement of religion in this case. Is that  
19 accurate?

20 A Yes. That sounds about right, yeah.

21 Q Thank you.

22 MR. GORMAN: No further questions, Your Honor.

23 THE COURT: Redirect?

24 MR. GREENBAUM: Just a few follow-up questions, Your  
25 Honor.

Browning - Redirect

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## REDIRECT EXAMINATION

1  
2 BY MR. GREENBAUM:

3 Q Dr. Browning, in regards to defense counsel's question, I  
4 think it was in regards to schizophrenia that the previous  
5 diagnosis may be incorrect, what did you mean by that? Can you  
6 explain that?

7 A Sure.

8 So as I mentioned previously in my testimony, it is not  
9 uncommon to have somebody who describes something like religion  
10 that's more abstract in a more concrete way. It's not uncommon  
11 for that to sound delusional. And so it doesn't surprise me that  
12 when he was younger that that came up as an issue and that was a  
13 diagnosis.

14 I can speak more I guess clearly on the more recent  
15 hospitalization because those were medical records that I had for  
16 review. While he came in with an admission diagnosis of  
17 schizophrenia, I believe, the notes that characterized his time  
18 in the MIL-U therapy while on the inpatient unit did not indicate  
19 that he was presenting with psychotic symptoms.

20 They did not indicate he responded to internal stimuli, that  
21 is hallucinations and things like that. He did not appear to be  
22 behaving or discussing or acting in any way as though there was  
23 any psychotic symptom influence on his behavior. They did not  
24 note any indication throughout the process.

25 That said, Mr. Perkins was, by the report anyway, fairly

1 reluctant to participate with them, so he frequently denied that  
2 those were occurring and they didn't appear to observe them  
3 either. That would be consistent -- well, at least the -- the  
4 lack of those symptoms would be consistent with his presentation  
5 while at Fort Worth.

6 There was no indication that he was ever experiencing any  
7 internal stimuli, that he was hearing these angels, that he was  
8 seeing things in the room with us, that he was I guess distracted  
9 by the fact that he had these delusions and -- and in his  
10 discussions of competency-related matters, he was able to offer  
11 not only his faith as a reason for making decisions but also some  
12 rational explanations and understanding of the legal  
13 consequences.

14 So based on all of that information collectively, it was --  
15 it's my opinion that those diagnoses of schizophrenia were I  
16 guess the best idea or the best diagnosis at the time. But with  
17 greater context in time and that kind of information, I feel that  
18 we're able to kind of rule them out.

19 Q Yes, sir.

20 And then I think defense counsel had said a statement or  
21 asked you about in regards to sensitivity to certain numbers, I  
22 think specifically nine and five. Based on your training and  
23 experience, sometimes do you see that in regards to people that  
24 are say fanatical or strongly religious in certain ways where  
25 maybe numbers mean something to them?

1 Can you speak a little bit about that?

2 A I do. I do see that with those who are more extreme in  
3 their religious beliefs.

4 I also see it in individuals who have autism spectrum  
5 disorder, a particular fixation on numbers that they appear to  
6 have or that they perceive to have some type of significance or  
7 some kind of particular meaning to them. It's not uncommon in  
8 the individuals I see with autism spectrum disorder.

9 Q Yes, sir.

10 And then I believe defense counsel read you a long -- kind  
11 of a long statement that was in one of the reports I think by Dr.  
12 Schutte's report in regards to this -- and correct me if I'm  
13 wrong, but I'm not trying to misspeak but like sort of sex demon  
14 or something of that effect.

15 In regards to that, you didn't just take a snippet out of  
16 one statement. You looked at a lot of different things, right?  
17 You looked at testing in regards to this Defendant? Is that  
18 right?

19 A Sure.

20 Yes. And I suppose in terms of testing, I guess the PAI  
21 administered by Dr. Bieber, the MMPI-3 administered by myself,  
22 the PAS administered by Dr. Schutte, none of those results had a  
23 prominent finding or suggestion of psychotic illness, delusions,  
24 or hallucinations. So that was one thing that I did note, as  
25 well.

Browning - Redirect

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1 In addition to that, yes, I did look at -- I tried to look  
2 at the larger context, the lens through which Mr. Perkins was  
3 evaluating his religious beliefs. Yeah.

4 Q Yes, sir.

5 And in regards to I think defense counsel asked you about  
6 outcome, did you actually speak to the Defendant about outcome  
7 and evidence on this case and can you tell the Court what his  
8 response was in regards to outcome and evidence of this case?

9 A Yes.

10 So Mr. Perkins was asked as part of the externus part of the  
11 process about potential outcomes in this case, and he was able to  
12 indicate that, you know, he -- he has faith and he has hope that  
13 the case will be dismissed or that things will happen that will  
14 fall in his favor. He also recognized that, and I believe as he  
15 put it logically speaking, there's a pretty good chance that he  
16 will be found guilty or that he could be found guilty and that  
17 that would carry a sentence of incarceration.

18 His reluctance to accept a plea agreement as he discussed it  
19 with me was a reluctance to -- to settle on being guilty and  
20 rather he would have somebody else make him I guess assume that  
21 role of being guilty rather than admit it on his own.

22 Q Yes, sir.

23 MR. GREENBAUM: I pass the witness, Your Honor.

24 THE COURT: Mr. Gorman, anything further?

25 MR. GORMAN: Nothing further, Your Honor.

1 THE COURT: Thank you.

2 You may step down. Thank you very much, sir.

3 THE WITNESS: Thank you, Your Honor.

4 THE COURT: I appreciate it, Dr. Browning.

5 (Witness excused)

6 THE COURT: Mr. Greenbaum, did you have other  
7 witnesses?

8 MR. GREENBAUM: No other witnesses, Your Honor.

9 THE COURT: Mr. Gorman?

10 MR. GORMAN: No, Your Honor. But I just I didn't move  
11 to for that Dr. Schutte be characterized as an expert, Your  
12 Honor.

13 THE COURT: Oh.

14 MR. GORMAN: And I'd ask the Court to do that.

15 THE COURT: Any objection, Mr. Greenbaum?

16 MR. GREENBAUM: No objection.

17 THE COURT: The Court so finds that Dr. Schutte is also  
18 an expert, again, forensic clinical -- I wrote it down to make  
19 sure I said it right -- psychology, correct? Would that be  
20 correct?

21 MR. GORMAN: That's correct, Your Honor.

22 THE COURT: All right. Very good. Absolutely.

23 Any -- do you have any other -- do you want to recall  
24 Dr. Schutte for any reason, Mr. Gorman?

25 MR. GORMAN: I don't believe so, Your Honor.

1 THE COURT: Very well. Thank you very much.

2 May Dr. Schutte be excused or do we want to leave him  
3 on?

4 MR. GORMAN: Oh, he may be excused, Your Honor.

5 THE COURT: All right.

6 Mr. Greenbaum, any objection?

7 MR. GREENBAUM: No, Your Honor. No objection at all.

8 THE COURT: Dr. Schutte, we thank you very much. I  
9 appreciate it very much. We're going to cut you off and let you  
10 go, all right?

11 MR. SCHUTTE: Thank you, Judge.

12 THE COURT: Thank you very much, sir. I appreciate  
13 your time.

14 MR. SCHUTTE: Bye now.

15 THE COURT: Bye.

16 (Witness excused)

17 THE COURT: And Dr. Browning I assume is excused, as  
18 well, if that --

19 MR. GREENBAUM: Yes, Your Honor.

20 THE COURT: He's going to make a beeline for the door  
21 and catch --

22 (Laughter)

23 MR. GORMAN: No objection, Your Honor.

24 THE COURT: He's got to catch a train to Fort Worth.

25 All right. Mr. Gorman, would you like to lead us off



1 or do you want Mr. Greenbaum to? It doesn't matter to me.

2 MR. GORMAN: I can do that, Your Honor.

3 THE COURT: Very well.

4 MR. GORMAN: Your Honor, in the case --

5 THE COURT: Would you come over to the podium?

6 MR. GORMAN: Oh, sorry, Your Honor.

7 THE COURT: That's okay. Different judges like it  
8 different ways. I just -- I prefer the podium.

9 MR. GORMAN: Your Honor, Mr. Perkins' case I would ask  
10 the Court to consider a standard that we frequently read during  
11 our plea colloquies. The test must be whether he has sufficient  
12 present ability to consult with his lawyer with a reasonable  
13 degree of rational understanding and whether he has a rational as  
14 well as factual understanding of the proceedings against him.

15 That turns back to the 241 standard about assisting  
16 properly in his defense. Your Honor, in the end of this, we have  
17 two experts that are currently at odds in regards to what --  
18 essentially what religion means in the life of Mr. Perkins. I  
19 would ask the Court to consider in this case this is more than  
20 your frequent inspirational or signs or something that's out  
21 there.

22 This is something plus something in addition to that  
23 that actually creates a very tangible manifestation. And in  
24 terms of supernatural beings in terms of beings sent by God or a  
25 higher power, frequently those are going to be the louder voices

1 in the room, whether it's a judge, a lawyer, or a prosecutor.

2 I have no doubt that Mr. Perkins understands and can  
3 repeat back what a lawyer does, a defense lawyer or a prosecutor,  
4 the role of the judge, and the role of the jury. We've certainly  
5 talked about the evidence in this case. Ultimately, my concern  
6 -- and this comes down to what Dr. Schutte pointed out in those  
7 summary statements -- the reason for the presence of Elyse  
8 Battaller, Your Honor, in that session with Dr. Schutte was not to  
9 oversee that but rather to give an illustration for the  
10 evaluating expert of a dialogue between counsel and client.

11 In his case, Your Honor, he is driven by this idea and  
12 unfaltering idea that ultimately all of this will go away. It's  
13 not a discussion of the evidence, nor is it sentencing or plea  
14 agreements or any of that. It's ultimately -- it ultimately  
15 comes down to a belief that goes beyond mere religion that he  
16 will not essentially be held to account for this. And that's a  
17 problem, Your Honor, in terms of looking at this.

18 As Dr. Browning pointed out, the difference between  
19 hallucination, the difference between what we read in the Bible -  
20 - and I do have faith, I am Christian. I understand the  
21 difference. This isn't a denigration of religion, but rather a  
22 sense of when entities such as God, Jesus, or anything appear in  
23 the room with us, that could certainly happen within our faith.  
24 But the whole idea of faith is we move on with the lack of  
25 evidence but rather the belief that something will happen.

1           If we were given that tangible evidence, then that  
2 becomes something more. And it's strange that we often look at  
3 the shadows in the corner and the demons and, you know, these  
4 voices that are speaking evil into our minds and we quickly will  
5 account for that. Ultimately here, we seem to be dismissing that  
6 because it seems to be on the right side of this in terms of we  
7 don't want to overpathologize religion which is what Dr. Bieber's  
8 statement more or less.

9           This isn't about pathologizing. It's a question of are  
10 we creating -- is there something in the room other than the  
11 people standing here that we can detect that's ultimately driving  
12 the train here. I would ask the Court to consider when it looks  
13 at the question of competency can Mr. Perkins essentially listen  
14 to any voice other than the voices he's hearing.

15           I think we've seen this, Your Honor. This isn't a case  
16 where this was a novel diagnosis launched by Dr. Schutte for the  
17 first time. This appears in his historical records. He himself  
18 has mentioned being treated in those records.

19           Schizophrenia, the object that we're essentially  
20 confusing in this case with autism spectrum disorder, Your Honor  
21 -- which is about repetition, which is about sometimes social  
22 awkwardness or the way we conduct ourselves and sometimes it's an  
23 IQ problem -- doesn't lend itself well to competency but items  
24 such as schizophrenia, they certainly raise that question. It  
25 doesn't necessarily mean he's not competent.

1 But I would ask the Court to consider with the  
2 diagnosis in this case from Dr. Schutte, it does suggest he's not  
3 competent because ultimately his decisions will be made on  
4 something that aren't really the core legal discussions that  
5 aren't about evidence, elements, or burdens of proof. These  
6 ultimately come down to, Your Honor, what do these voices say.  
7 And if it's a voice other than any of the identified members of  
8 the Court talking about it, that presents a large problem in  
9 terms of presenting a defense in this case.

10 And with that, Your Honor, I would ask the Court to  
11 consider Mr. Perkins not to be competent in this case.

12 Thank you, Your Honor.

13 THE COURT: Thank you. And, Mr. Gorman, there's  
14 absolutely no -- I know they examined -- both seems to examine  
15 him possibly Dr. Bieber, as well -- him for sanity. There's no  
16 question about sanity. We're just talking competence, right?

17 MR. GORMAN: This hearing was set up for competency,  
18 Your Honor. That's what I prepared for. I think Dr. Schutte was  
19 taken a little aback which is why he kept hedging back away from  
20 that.

21 THE COURT: Yes, sir.

22 MR. GORMAN: We were expecting a discussion on  
23 competency, so I would have to have that conversation with him,  
24 Your Honor, in terms of his ultimate read on that.

25 THE COURT: Thank you.

1 MR. GORMAN: Thank you, Your Honor.

2 THE COURT: Mr. Greenbaum?

3 MR. GREENBAUM: Yes, Your Honor. Thank you.

4 May it please the Court, my colleagues, opposing  
5 counsel.

6 Judge, I think a problem here, Your Honor, is that Dr.  
7 Schutte did one evaluation of the Defendant back about eight  
8 months ago on September the 4th, 2021, Your Honor. He makes  
9 these evaluations with testing, makes these evaluations in two  
10 and a half hours, Your Honor.

11 That is problematic, but it's more problematic because  
12 of this limited time, I think from the Government's perspective,  
13 it's -- he's relying on the Defendant's words. So it's self-  
14 reporting from the Defendant which from the Government's  
15 perspective and that we would proffer or argue is highly  
16 unreliable, Your Honor.

17 So we don't know what's self-serving, what's not self-  
18 serving. He doesn't independently evaluate things such as  
19 offense reports. He doesn't independently evaluate other people  
20 in the church to see if maybe these are just the religious  
21 beliefs of this Defendant and the other parishioners. So that is  
22 problematic, Your Honor, that he never goes through the case  
23 files or anything of that nature, Judge.

24 Ultimately, when we're talking about this Defendant,  
25 we're talking about when we're looking at the different experts,

1 we're talking about Dr. Browning that saw this Defendant on three  
2 different occasions. Dr. Bieber also works at the same place as  
3 Dr. Browning there at the Federal Bureau of Prisons or the  
4 Medical Center there, as well, saw him at least on two occasions,  
5 Your Honor.

6 So when we look at that and we look at what's more  
7 complete or what just from a time standpoint, Judge, it's highly  
8 problematic that Dr. Schutte would just evaluate him in such  
9 small amount of time, rely solely -- specifically I think if I  
10 understood Dr. Schutte on the Defendant's own testimony or his  
11 self-reporting and that of Dr. Bieber, the Government's or one of  
12 the other experts in this case, Your Honor. So that's troubling,  
13 Your Honor.

14 In regards to the Defendant himself, he clearly had  
15 spoke to Dr. Browning, understood what the role of the judge was,  
16 understood what the role of the prosecutor, Your Honor, and  
17 understood the role of the defense attorney in regards to his  
18 case. So he did have from the Government's perspective a  
19 rational understanding of he even understood the difference  
20 between the judge and the jury as far as possible -- if I  
21 remember correctly, as far as possible punishment and who would  
22 do the punishment in regards to the case. And so he knew the  
23 different types of roles about that, Judge.

24 And then in regards to evaluating the evidence, Your  
25 Honor, and you'll see it in Government's Exhibit Number 1, I

1 believe, from the report from Dr. Browning, and I'll just -- he  
2 said logically -- and this was being the Defendant -- that based  
3 on the evidence, he would be found guilty. So there is some  
4 discussion that he understands and he imputes and he understands  
5 that looking at this evidence, Your Honor, that he himself --  
6 that being the Defendant -- would be found guilty, Your Honor.

7 The Government does believe it's met its burden in  
8 regards to competency, Your Honor. I think the report by Dr.  
9 Browning speaks for itself, Your Honor. And the Government would  
10 ask that you find this Defendant competent to stand trial.

11 Thank you, Your Honor.

12 THE COURT: And, Mr. Greenbaum, so you've admitted  
13 Government's Exhibit 1 which is exactly what?

14 MR. GREENBAUM: Yes, sir. Government's Exhibit Number  
15 1 is going to be the actual report from Dr. Browning. It's going  
16 to be the psychological evaluation from Dr. Browning, Your Honor.  
17 I believe it's approximately a 12-page document, and then the  
18 first page is just the cover sheet to Judge Fannin.

19 THE COURT: And then Government's Exhibit 2 is what?

20 MR. GREENBAUM: Government's Exhibit Number 2 is going  
21 to be the curriculum vitae of --

22 THE COURT: Oh, Dr. Browning.

23 MR. GREENBAUM: -- Dr. Browning. Yes, sir.

24 THE COURT: Okay. Thank you.

25 MR. GREENBAUM: Thank you, Your Honor.

1 THE COURT: And I've got -- have we got Dr. Schutte's  
2 -- I know I've got a copy of it here. Is it in evidence? Do you  
3 want to place it in evidence?

4 MR. GORMAN: I would, Your Honor. I would offer that  
5 in evidence.

6 THE COURT: Defense Exhibit 1?

7 MR. GORMAN: Defense Exhibit A or --

8 THE COURT: 1? Any objection?

9 MR. GREENBAUM: No objection, Your Honor.

10 THE COURT: Defense Exhibit 1 is admitted without  
11 objection. I want to make sure we get all that in there.

12 (Defense Exhibit 1 marked for identification and admitted  
13 into evidence)

14 THE COURT: And that -- what I'm looking at is the  
15 report which is -- and Mr. Greenbaum I think referred to it. The  
16 report is dated September 16th, 2021. It references the exam on  
17 I think September 4th. I've lost it now all of a sudden.

18 MR. GORMAN: That sounds right, Your Honor.

19 THE COURT: Okay.

20 MR. GREENBAUM: That does sound --

21 THE COURT: Yeah, September 4th. Here it is.

22 And that's the report. It's like -- it looks like it's  
23 six pages. And then his CV is attached, and it's another nine or  
24 ten pages. So that's what the Court has.

25 MR. GREENBAUM: Yes, Your Honor.



1 MR. GORMAN: That's correct, Your Honor.

2 THE COURT: I just want to make sure. Very well.

3 All right. So, Mr. -- to the attorneys, to Mr.

4 Perkins, I'm going to take this under advisement. I've got

5 everything I need. I've heard the testimony of the two

6 witnesses, Dr. Schutte, Dr. Browning. I want to review -- I have

7 not -- I've reviewed Dr. Schutte's CV and report. I have not

8 reviewed Government's Exhibits 1 and 2. I'd like some time to do

9 that, and then I'll take it under advisement. I'll make a

10 ruling. I'll issue the ruling. Okay?

11 MR. GREENBAUM: Yes, Your Honor.

12 MR. GORMAN: Your Honor, would the Court appreciate a  
13 post-hearing briefing on that just for trying to simplify?

14 THE COURT: I don't think I need it. If you want to,  
15 give me one this week, and there's no requirement. If you feel  
16 better doing it, I have no problem with that. Give it to me  
17 before the end of the week, and if you do.

18 And don't feel like -- you know, if you're the opposing  
19 counsel and you don't do one and someone does one, don't feel  
20 like you have to respond to it. I think I've got a good handle  
21 on it, but I'll not typically reject additional briefs. All  
22 right?

23 MR. GREENBAUM: Yes, Your Honor.

24 MR. GORMAN: Thank you, Your Honor.

25 THE COURT: Thank, y'all.

1           So, Mr. Perkins, I'm going to remand you to the custody  
2 of the United States Marshals pending the outcome of the hearing.  
3 Thank you.

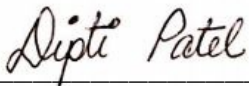
4           MR. GREENBAUM: Thank you, Judge.

5           (Proceedings adjourned at 4:04 p.m.)

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13                           C E R T I F I C A T E

14           I, DIPTI PATEL, court-approved transcriber, certify that the  
15 foregoing is a correct transcript from the official electronic  
16 sound recording of the proceedings in the above-entitled matter.

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18  
19             
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21           DIPTI PATEL, CET-997

22           LIBERTY TRANSCRIPTS

23                           Date: July 17, 2022